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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/861,231	05/21/97	ILVESPA	H 1781-73

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COHEN PONTANI LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

EXAMINER

O'CONNOR, P

ART UNIT	PAPER NUMBER
3744	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/861,231

Applicant(s)
Hvespaa

Examiner
Pamela A. Wilson

Group Art. Unit.
3404



☒ Responsive to communication(s) filed on May 21, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-41 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-41 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. (SUBSTITUTE FORM)

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 07/808,161.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Specification Objection

The specification is objected to under 37 CFR 1.71 because it fails to provide an enabling disclosure regarding the method and means for allowing the paper web to be “asymmetrically” dried

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- © In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

Claims 26-41 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, in claim 26, lines 3 and 6; claim 34, lines 2-3 and 5; and claim 35, line 1, all include the limitation of "asymmetrically" drying the paper web; however, no such terminology was supported by the applicant's disclosure.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claim 31, lines 1-2 the recitation of "said stressed web" and in claim 31, lines 2-3 and claim 39, line 2, the recitation of "said stresses are formed or likely to be formed" is not provided with a clear antecedent basis.

Further, regarding claims 31 and 39, the phrase "or likely to be formed" renders the claims indefinite because the claims include elements not actually disclosed thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Additionally, claims 26-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, in claim 1, lines 15-16, claim 6, lines 24-25, claim 18, lines 12-13, claim 24, lines 14-15 and claim 25, lines 17-18 the phraseology "tensions that have been formed or that tend to be formed" and in claim 26, line 2 and claim 34, line 2, the phraseology "curl-inducing stresses

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have been formed or tending to be formed” and in claim 31, lines 2-3, the phraseology “said stresses are formed or likely to be formed” and further in claim 32, line 2 and claim 39, lines 2-3, the phraseology “fiber mesh of the paper web are formed or likely to be formed” are deemed to be indefinite because the applicant recites alternative forms of the curl-inducing stresses which are not considered to be equivalent.

Note: ordinarily filed claims 1-25 are subject to reexamination as set forth in 37 CFR 1.176 (See MPEP § 1440).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26, 28, 30, 31, 33, 34, 37, 38, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Wywialowski et al. (WO 87/04740). The invention of Wywialowski et al. presents a method and apparatus that provides control of the moisture profile of a moving paper web using a suction guide cylinder whereby the web passes around the suction cylinder, and steam is selectively applied to compensate for any irregularity in the moisture profile of the moving web.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-31, 33-38 and 40-41 35 U.S.C. 103(a) as being unpatentable over Skaugen et al. (U.S. Patent No. 5,175,945) in view of Wywialowski et al.

The invention of Skaugen et al. discloses a dryer group for a web drying apparatus which is comprised of a single tier of dryer cylinders, a plurality of guide rolls (disposed below and between the dryer cylinders) and a single-wire draw where only one side of the web engages the dryer cylinders. However, the invention of Skaugen et al. does not teach a steam regulation means.

The invention of Wywialowski et al. presents a teaching for the control of the moisture profile of a moving paper web using a suction guide cylinder whereby the web passes around the suction cylinder, and steam is selectively applied to compensate for any irregularity in the moisture profile of the moving web.

Further, it would be inherent that at least some of the steam delivered to the web, as it passes around the suction cylinder, would have been in the form of condensate.

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Accordingly, it would have been obvious to one of ordinary skill in this art, when having a knowledge of these references at the time of the invention, and when considering the prior art as a whole to have used the teachings of Wywialowski et al. to provide the drying group of Skaugen et al. with a moisture profile control for the web, to be dried, for the purpose of providing the paper web with a relatively uniform moisture content along the width thereof.

Claims 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skaugen et al. (U.S. Patent No. 5,175,945) in view of Wywialowski et al. as applied to claims , 33-38 and 40-41 above, and further in view of Chuse (U.S. Patent No. 2,091,805).

The patent of Chuse discloses that when the paper web has obtained a moisture content of 30% to almost 20% (page 5, column 1, lines 11-26) it is then in a state of dryness that allows for the conditioning of the web by passing moisture laden air through the web sheet (page 5, column 1, lines 45-75 and column 2, lines 4-37).

Hence, it would have been obvious to one of ordinary skill in this art, when having a knowledge of these references at the time of the invention, and when considering the prior art as a whole to have used the teachings of Chuse to provide the modified web drying apparatus of Skaugen et al. and Wywialowski et al. to obtain a moisture content in the web of at least 30%, and therefore provide the web with a solid content of at least 70%, for the purpose of preparing the web to be conditioned with moisture laden air as it passes through the dryer group comprised of ordinary dryers and suction dryers.

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Allowable Subject Matter

Claims 2-5, 7-17 and 19-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 1, 6, 18 and 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Pamela Wilson whose telephone number is: 703/308-2620.

Any inquiry of a general nature or relating to the status of this application or proceedings should be directed to the Group Receptionist whose telephone number is: 703/308-0861.

PAW

4/9/98


HENRY A. BENNETT
SUPERVISORY PATENT EXAMINER
GROUP 3400